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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/621,616	07/18/2003	Daigoro Mori	116301	2439
25944	7590	10/19/2005		EXAMINER
OLIFF & BERRIDGE, PLC P.O. BOX 19928 ALEXANDRIA, VA 22320				MCKINNON, TERRELL L
			ART UNIT	PAPER NUMBER
			3753	

DATE MAILED: 10/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/621,616	MORI ET AL.
	Examiner	Art Unit
	Terrell L. McKinnon	3743

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 18 July 2003.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-7 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 18 July 2003 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____.
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>12/8/2003</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Makoto et al. (JP 10-194701) in view of Sellergren (U.S. 6,676,159).

Makoto discloses an absorption and release of hydrogen and vessel for storing hydrogen comprising:

- a liner which is designed as an inner lining made of metal or resin;
- a hydrogen-occlusion alloy which is located inside the liner and in which hydrogen is occluded;
- an air gap portion which exists inside the liner and which is filled with hydrogen gas whose pressure is above a plateau equilibrium pressure of hydrogen gas inherent the hydrogen-occlusion alloy at a temperature of a location where the hydrogen-occlusion container installed;
- a heat exchanger located in the liner;
- the heat exchanger is an aluminum pipe through which water flows;

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- a substance which exists in the liner and which has a melting point ranging from -10°C to 1000°C;
- the hydrogen gas with which the air gap portion is filled is at a pressure ranging from 25 to 50 MPa;
- a ratio of a volume of the air gap portion to an internal volume of the liner ranges from 60% to 40% when no hydrogen occluded the hydrogen-occlusion alloy; and
- a method of occluding hydrogen into a hydrogen-occlusion container, comprising the steps of:
- introducing hydrogen gas whose pressure is above a plateau equilibrium pressure of hydrogen gas inherent hydrogen-occlusion alloy temperature location where the hydrogen-storage container is installed, into the hydrogen-occlusion container in which the hydrogen-occlusion alloy is accommodated;
- causing the hydrogen-occlusion alloy to occlude hydrogen while filling an air gap portion formed in the hydrogen-occlusion container with the hydrogen gas.

Makoto's invention discloses all of the claimed limitations from above except for a fiber-reinforced resin layer provided outside the liner.

3. However, Sellergren teaches a fiber-reinforced resin layer (4) provided outside the liner (column 4, lines 17-29; and column 5, lines 4-17).

Given the teachings of Sellergren, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the absorption and release of hydrogen and vessel of Makoto with a fiber-reinforced resin layer provided outside the liner.

Doing so would provide a safe and reliable means of protecting the outer liner from harmful damages, which could affect the heat exchanging performance.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following references cited on the USPTO 892 discloses related limitations of the applicant's claimed and disclosed invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Terrell L. Mckinnon whose telephone number is 571-272-4797. The examiner can normally be reached on Monday -Thursday and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Henry Bennett can be reached on 571-272-4791. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Terrell L Mckinnon  
Primary Examiner  
Art Unit 3743  
October 17, 2005